

House Bill 1027 (AS PASSED HOUSE AND SENATE)

By: Representatives Rice of the 51st, Roberts of the 154th, Bearden of the 68th, and Floyd of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 drivers' licenses, so as to provide for approval of programs' curriculums; to provide for
3 certificates of completion; to provide for related matters; to provide an effective date; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
8 is amended by revising subsection (a) of Code Section 40-5-81, relating to court ordered
9 attendance at driver improvement clinics and programs, as follows:

10 "(a) Any driver improvement program at which attendance is required by court order shall
11 conform to the requirements of this article. Courts shall have the discretion to order or
12 authorize individuals to attend or register for on-line or classroom driver improvement
13 programs that are licensed and approved by the department under the provisions of Code
14 Sections 40-5-82 and 40-5-83. Certificates of completion from unlicensed classroom,
15 Internet, or other technology based driver improvement programs shall not be recognized
16 for any purposes under this article. This Code section shall prohibit and shall not be
17 construed or interpreted to allow the creation or licensing of any Internet, online, or other
18 technology based DUI Alcohol or Drug Use Risk Reduction Programs."

19 **SECTION 2.**

20 Said chapter is further amended by revising paragraphs (1) and (1.1) of subsection (a) of
21 Code Section 40-5-83, relating to establishment and approval of driver improvement clinics
22 and programs, and adding a new subsection to read as follows:

23 "(a)(1) The commissioner shall establish criteria for the approval of classroom, Internet,
24 or other technology based driver improvement clinics. To be approved, a clinic shall
25 provide ~~and operate either a defensive driving course, an advanced defensive driving~~

1 ~~course, or a professional defensive driving course or any combination thereof to the~~
2 ~~department for approval, or notify the department of the clinic's legal authority to use a~~
3 ~~currently approved curriculum or program, a curriculum consisting of a minimum of six~~
4 ~~hours of classroom, Internet, or technology based theoretical instruction consisting of~~
5 ~~traffic safety related information designed for the improvement or remediation of an~~
6 ~~individual's knowledge of defensive driving techniques and traffic laws. This provision~~
7 ~~shall not be construed to restrict licensed and approved curriculum providers from~~
8 ~~updating information to accurately reflect changes in this Code section or other defensive~~
9 ~~driving material.~~ Clinics shall be composed of uniform education and training programs
10 ~~consisting of six hours of instruction~~ designed for the rehabilitation of problem drivers.
11 The commissioner shall establish standards and requirements concerning the contents of
12 courses, qualifications of instructors, attendance requirements for students, and
13 examinations. ~~Approved~~ On or after July 1, 2008, approved clinics shall charge a fee of
14 \$75.00 for ~~a defensive driving course, an advanced defensive driving course, or a~~
15 ~~professional defensive driving course; except that such~~ an Internet or technology based
16 driver improvement program and \$75.00 for a classroom driver improvement program.
17 On or after July 1, 2009, an approved Internet or technology based driver improvement
18 program shall charge a fee of not more than \$75.00, and a classroom driver improvement
19 program shall charge a fee of not more than \$75.00. Such clinics may charge different
20 fees of their own choosing if the person is not enrolling in such course pursuant to court
21 order or department requirement. No clinic shall be approved unless such clinic agrees
22 in writing to allow the examination and audit of the books, records, and financial
23 statements of such clinic. ~~Clinics may be operated by any individual, partnership,~~
24 ~~corporation, association, civic group, club, county, municipality, board of education,~~
25 ~~school, or college. The department shall establish security and operational standards~~
26 consistent with the objectives of the training programs contained in this Code section.

27 (1.1)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct any
28 business under any name that is like or deceptively similar to any name used by any
29 other driver improvement clinic, Georgia company, or Georgia corporation registered
30 with the Secretary of State. This subparagraph shall not prohibit the franchising or
31 licensing of any part or all of the name of a driver improvement clinic by the owner or
32 the rights thereof to another licensed driver improvement clinic.

33 (B) This paragraph shall not prohibit the franchising or licensing of any part or all of
34 the name of a clinic or an approved curriculum by the owner of the rights therein to
35 another licensed driver improvement clinic, either directly or through a third-party
36 provider."

1 "(f) Persons convicted pursuant to Code Section 40-5-57 or 40-5-57.1 shall be permitted
2 to participate in an Internet or technology based defensive driving course."

3 **SECTION 3.**

4 This Act shall become effective on July 1, 2008.

5 **SECTION 4.**

6 All laws and parts of laws in conflict with this Act are repealed.